



THOMAS AMBROSIO

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Member of NJ & NY Bars

January 20, 2021

Via ECF

Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

MEMO ENDORSED

RE: USA vs Van Whitmore *et al.*
19-cr-846

Dear Judge Failla:

I write this letter to inform Your Honor that my client, Van Whitmore has not yet been given access to the first production of electronic discovery made in May 2020. Mr. Whitmore is detained at the MCC. A large supplemental discovery production was recently made by the Government which may not yet have been sent to the various detained defendants in this case. He will need to have access to the supplemental discovery as well.

In early November 2020, I communicated by phone and email with AUSA Louis Pellegrino and AUSA Juliana Murray about the fact that Mr. Whitmore had not been given access to his discovery. On November 12, 2020 Mr. Pellegrino sent me an email that MCC had advised him that Mr. Whitmore would be given access to the discovery hard drive. I have been denied in person visits with Mr. Whitmore since mid-November 2020 thus I only found out on January 8, 2021 that he still did not receive access to his discovery – he called me after the January 8th status conference to let me know he still does not have discovery. I then followed up with a call to Mr. Pellegrino and Ms. Murray that day to inform them that Mr. Whitmore still didn't receive his discovery.

I also followed up with an email to the MCC legal department (with cc: to Mr. Pellegrino and Ms. Murray) about Mr. Whitmore not being given his electronic discovery. Mr. Pellegrino responded to my email and emphasized to MCC legal the importance of Mr. Whitmore's need to access his discovery.

I sent two follow up emails to the MCC about this matter and as of today I have not received a response.

I respectfully request that Your Honor endorse this letter and order the MCC to immediately provide Mr. Whitmore access to his electronic discovery and, if needed, that the Government immediately provide the MCC with a replacement copy of the May 2020 electronic discovery. I also request that any order apply equally to the recently produced supplemental discovery.

Respectfully yours,
/s/Thomas Ambrosio

Thomas Ambrosio

cc: All counsel via ECF
Van Whitmore (via regular mail)

Application GRANTED. MCC is ORDERED to provide Mr. Whitmore with access to the Government's electronic discovery produced in May 2020. If needed, the Government is ORDERED to provide MCC with a replacement copy of their May 2020 production. This order shall apply to any supplemental discovery.

Dated: January 20, 2021
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE